

House Bill 1391 (AM)

By: Representative Burkhalter of the 50th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, so as to change certain provisions relating to creation of the State Licensing Board for Residential and General Contractors, membership, divisions, vacancies, qualifications, terms, and meetings; to change certain provisions relating to appointment of members, chairperson, meetings and quorums, and assistance from professional licensing boards division; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, is amended by striking Code Section 43-41-3, relating to creation of the State Licensing Board for Residential and General Contractors, membership, divisions, vacancies, qualifications, terms, and meetings, and inserting in lieu thereof the following:

"43-41-3.

(a) There is created the State Licensing Board for Residential and General Contractors consisting of ~~14~~ 15 members, 14 of whom shall be appointed by the Governor for five-year terms and one of whom shall be appointed by the Speaker of the House of Representatives for a five-year term. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director and shall operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable. The board shall be comprised of two divisions: the residential contractor division, having jurisdiction of and authority over the two subcategories of residential contracting, residential-basic contractors and residential-light commercial contractors, and the general contractor division. ~~Seven~~ Eight members shall be appointed and serve as members of the residential contractor division of the board and seven members shall be appointed and serve as members of the general contractor division of the board. Members

1 shall serve until the expiration of their respective terms and until their successors are
2 appointed and qualified. Vacancies occurring during a term shall be filled by appointment
3 of the Governor for the remainder of the unexpired term and such replacement shall meet
4 the requirements and criteria of selection of the person previously holding the vacant
5 position. To be eligible to serve on the respective divisions of the board, each contractor
6 member shall be and remain actively involved in the construction contracting business and
7 shall have been so engaged for a period of not less than five consecutive years before the
8 date of appointment in the particular contracting business, as a residential contractor or
9 general contractor, corresponding to the division for which such person is appointed. Any
10 contractor members whose term continues after or who are appointed to terms commencing
11 two years from the date that this chapter becomes effective must also have been licensed
12 and certified by the respective division of the board to operate as a contractor in the
13 category to which the member is appointed. The position of any appointive member of the
14 board who, during his or her term of appointment, shall cease to meet the qualifications for
15 original appointment shall be immediately vacated. No member of the board shall be
16 appointed to serve more than two full terms.

17 (b) The residential contractor division shall consist of ~~seven~~ eight members and, except
18 as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over
19 the practice of the two subcategories of residential contracting, residential-basic contractors
20 and residential-light commercial contractors. ~~Five~~ Six members shall be residential
21 contractors eligible for licensure under this chapter. Effective July 1, 2007, all residential
22 contractor members shall be required to be licensed under this chapter. At least ~~two~~ one
23 of the residential contractor members shall be qualified to perform residential-light
24 commercial type projects; three shall be qualified and shall predominantly perform
25 residential-basic type projects; one shall be a residential contractor whose business
26 predominately involves remodeling projects; one shall be a residential contractor who
27 constructs at least an average of 20 residences per year; and all must be geographically
28 diverse. One member shall be a public building official and one member shall be a public
29 member. The public member shall have no ties with the residential construction industry
30 and shall represent the interests of the public at large. The initial member terms on the
31 residential contractor division shall be staggered so that all terms do not expire
32 simultaneously. Three members shall serve initial terms of five years, three members shall
33 serve initial terms of four years, ~~and~~ one member shall serve an initial term of three years,
34 and one member shall serve an initial term of one year. The residential contractor division
35 shall meet at least six times each year for the purpose of transacting such business as may
36 properly come before it.

(c) The general contractor division shall consist of seven members and, except as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the practice of general contracting. Five members shall be general contractors eligible for licensure under this chapter. Effective July 1, 2007, all general contractor members shall be required to be licensed under this chapter. At least two of the general contractor members shall be small-volume builders with an annual contracting volume of less than \$5 million and all of whom must be geographically diverse. One member shall be a currently licensed or registered architect or engineer and one member shall be a public building official. The initial member terms on the general contractor division shall be staggered so that all terms do not expire simultaneously. Three members, including at least two contractor members, shall serve initial terms of five years; three members, including at least two contractor members, shall serve initial terms of four years; and one member shall serve an initial term of three years. The general contractor division shall meet at least six times each year for the purpose of transacting such business as may properly come before it."

SECTION 2.

Said chapter is further amended by striking subsection (a) of Code Section 43-41-4, relating to appointment of members, chairperson, meetings and quorums, and assistance from professional licensing boards division, and inserting in lieu thereof the following:

"(a) The initial members of the board shall be appointed no later than July 1, ~~2005~~ 2006. The board shall meet within 30 days after its appointment at a time and place to be designated by the Governor and organize by electing a chairperson and a vice chairperson, each to serve for a one-year term."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.